

N.D.N.Y.  
22-cv-1013  
Sharpe, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 28<sup>th</sup> day of March, two thousand twenty-three.

Present:

Robert D. Sack,  
Raymond J. Lohier, Jr.,  
Susan L. Carney,  
*Circuit Judges.*

---

Variscite NY One, Inc.,

*Plaintiff-Appellee,*

v.

22-3128

State of New York, et al.,

*Defendants-Appellants.*

---

Appellants move for a stay, pending appeal, of the preliminary injunction issued by the district court. In the alternative, Appellants move for an order narrowing the preliminary injunction pending appeal. Upon due consideration, it is hereby ORDERED that the motion is GRANTED in part. *See In re World Trade Ctr. Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007); *see also Nken v. Holder*, 556 U.S. 418, 434–35 (2009). The district court’s injunction is modified so that it bars the issuance of conditional adult-use retail cannabis dispensary licenses only in the Finger Lakes region. *See Trump v. Int’l Refugee Assistance Project*, 137 S. Ct. 2080, 2087–88 (2017) (per curiam) (granting stay application in part and modifying injunction to narrow the injunction’s scope). It is further ORDERED that the Clerk of the Court issue an expedited briefing schedule.

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk of Court

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit



*Catherine O’Hagan Wolfe*



*Catherine O’Hagan Wolfe*